

MKD:co 37166 \plending\37166Aff Georgianna

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CAROLINE DACOSTA, as Personal
Representative and Administratrix for the
Estate of JOSE L. DACOSTA, JR.

VS.

C.A. NO. 04CV12059

JLT

CPR FISHING, INC.

PEARL BEAUVAIS, as Personal
Representative and Administratrix for the
Estate of JOHN BEAUVAIS

VS.

C.A. NO. 04-12057

NG

CPR FISHING, INC.

AFFIDAVIT OF DANIEL GEORGIANNA, PH.D.

AFFIDAVIT OF DANIEL GEORGIANNA, PH.D.

I, Daniel Georgianna, Ph.D., under the pains and penalties of perjury, hereby make affidavit as follows:

1. I am the Chancellor Professor of Economics at the University of Massachusetts, Dartmouth. I am an expert in the economics of the fishing industry operating out of the Port of New Bedford and the Massachusetts maritime industry generally. My qualifications as an expert in the Massachusetts marine economy is reflected in my curriculum vitae attached.

2. I have been retained by the defendant in the above-entitled action to provide an expert opinion regarding the fishing industry and marine economy in Massachusetts, and specifically as it relates to the Port of New Bedford, Massachusetts.

3. My opinions are based on years of research, surveys, and interviews conducted in the area of the scallop and fishing industry in Massachusetts. A substantial amount of these findings and the substance of my testimony are generally reflected in the following publications that I have authored, copies of which are attached hereto:

Georgianna, D., Cass, A., Amaral, P., *The Cost of Fishing for Sea Scallops in Northeastern United States*, National Marine Fisheries Service (NMFS) (December 1999);

Georgianna, D., *The Massachusetts Fishing Industry: Proud Past Fishing Industry Uncertain Future, Massachusetts Benchmarks* (Summer 1999)

Georgianna, D., *The Massachusetts Marine Economy, Overview of Employment and Earnings*, pgs. 11-23, UMass Donahue Institute (2000);

Georgianna, D., Shrader, D., *Employment, Income and Working Conditions in New Bedford's Offshore Fisheries*, NMFS, Saltonstall-Kennedy Program (June 2005).

4. My opinions are also based on a review of documents produced, as well as the deposition transcript of Captain Weckesser and the economic loss report of the plaintiff's economic expert, Neville Lee, all provided to me by defense counsel.

5. It is my opinion that the *F/V Lonely Hunter* was primarily a inshore ground fishing vessel, with a scallop general permit and not a full-time scalloper. The *F/V Lonely Hunter* fished primarily in state waters (up to 12 miles off-shore). These opinions are based on the size of the vessel and the deposition of Captain Weckesser.

6. The past several years have seen increases in the offshore scallop harvest in the federal offshore fishery utilized by the New Bedford fishing industry. Generally, the ground fishing industry has declined during the same period. A full-time scallop permit, as opposed to a scallop general permit, is a far more valuable and sought after license. New full-time scallop permits are generally no longer issued by the government. They are available only by sale or transfer.

7. It is not possible to accurately predict the future annual scallop harvest in the Northeast offshore or inshore scallop beds.

8. The *F/V Lonely Hunter* paid trip expenses (fuel, food and ice) from the total value received from the sale of the fish caught (gross stock) and divided the remainder (net stock) between the vessel owner and the crew (with the captain paid from the crew share). This opinion is based upon the deposition of Captain Weckesser and my knowledge of New Bedford's inshore vessel practices.

9. Based on my review of the landing sheets of the *Lonely Hunter* provided to me by defense counsel and the size of the vessel, the *F/V Lonely Hunter* operating during the spring, summer and fall months, but not the winter months. The vessel made trips of one to two days two to three times per week, averaging about \$750 gross per trip in 2003.

10. In their survey of inshore trawlers, the authors conclude that trip expenses ranged between 20% and 25% of gross stock. Given the crew share of 50% of the net stock shared between the two-man crew, a crewman on the *F/V Lonely Hunter* would earn between \$14,000 and \$18,000 per year in 2003. (Source: Lallemond, Gates, Dirlam, and Cho. 1998. *The Costs of Small Trawlers in the Northeast*.)



DANIEL GEORGIANNA, PH.D.

STATE OF MASSACHUSETTS
COUNTY OF BRISTOL

Subscribed and sworn to me this _____ day of _____, 2005.

Notarized original to be provided

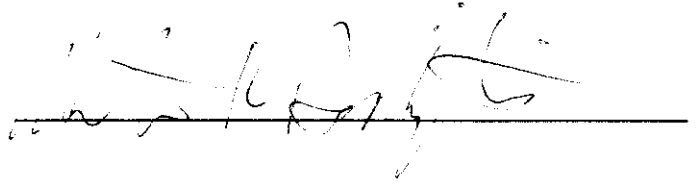
Notary Public

My commission expires:

CERTIFICATION

I certify that I sent a true copy of the within on 10-28-05 to:

Thomas J. Hunt, Esq.
18 North Water Street
New Bedford, MA 02740

A handwritten signature in black ink, appearing to read "T. J. Hunt", is written over a horizontal line.

April 2005

CURRICULUM VITAE

Daniel Lee Georgianna
3 Walnut St
Fairhaven, MA 02719

Telephone: 508-999-8414 (work)
508-992-2898 (home)
dgeorgianna@umassd.edu

Fields of Concentration: Marine Resource Economics, History of Economic Thought, Labor History.

Education

1972-1977 University of Massachusetts, Amherst, MA, Ph.D. Economics.
1961-1965 College of the Holy Cross, Worcester, MA, B.S. Mathematics.

Honors and Offices

2003 member of the Search and Screen Committee for President of UMass.
2000-Present & 1992-1998: President, UMass Faculty Federation Local 1895, AFT, AFL-CIO.
2000-2001: member, Multispecies Overfishing Definition Committee, New England Fishery Management Council, U.S. Department of Commerce
2000- Present and 1994-1998, member: Higher Education Program and Policy Council, American Federation of Teachers (AFT), AFL-CIO.
1999 Yvonne Sandstroem University Service Award
1998 Chancellor's Distinguished Service Award
1998-present: member, Social Science Advisory Committee, New England Management Council, U.S. Department of Commerce
1996-2001: member, Winter Flounder Technical Committee, Atlantic States Marine Fisheries Commission
1993-present: Vice President, Massachusetts Federation of Teachers, AFT, AFL-CIO.
1991 Leo Sullivan Teacher of the Year Award.
1989 Richard Fontera Memorial Award for Community Service, Dubin Labor Education Center.
1989 Fulbright Scholar. Summer Program in Bulgaria

Professional Experience

1977-present. Chancellor Professor (1999) and Chairperson of Economics Department (2004).
University of Massachusetts Dartmouth, North Dartmouth, MA.

2004-Present. Principal Investigator. The Flexibility of Fresh Groundfish Processing to Respond to Variation in Local Landings. Cooperative Marine Education and Research Program (CMER) NA03NMF4550368, U.S. Department of Commerce.

2003-2005. Principal Investigator. Full-time Employment and Income in New Bedford before and after Days at Sea Management, Saltonstall-Kennedy (S-K) Grant Award NA03NMF4270265, U.S. Department of Commerce.

- 2001-2002. Principal Investigator. The Effects of Mesh Shapes and Excluder Devices on Species and Size Selectivity in the Multispecies Fishery, 50-EANF-1-00022, CMER, U.S. Department of Commerce.
- 1998-2001. Principal Investigator. Massachusetts' Marine Economy. UMass Economic Project.
- 1998-2001. Principal Investigator. A Baseline Study of the Northeast Herring, Mackerel, Butterfish and Squid Fisheries. NA97FE0023, U.S. Department of Commerce, NMFS.
- 1997-1999. Principal Investigator. Impact of Reduced Groundfish Supply on Processors. S-K Grant Award, NA76FD0108, U.S. Department of Commerce, National Marine Fisheries Service (NMFS)
- 1996-1999 Principal Investigator. A Baseline Study of the Northeast Hook and Scallop Fisheries. CMER Program, NA67FE0420, U.S. Department of Commerce, NMFS.
- 1993-1995 Principal Investigator. An Umbrella Model of the North American Lobster Industry, subcontract under University of Maine, S2EANF-2-00066, U.S. Department of Commerce, NMFS.
- 1992-1993 Principal Investigator. The Groundfish, Scallop, and Herring Processing Sectors in New England. Contract 50EANF-2-00065 with the U.S. Department of Commerce, NMFS.
- 1991-1992 Fellow, Institute of Social and Economic Research, Memorial University of Newfoundland, St. Johns, Newfoundland.
- 1984-1985 Guest International Scholar. Economics Faculty, Zagreb, Yugoslavia.
- 1982-1984 Principal Investigator. The Institutional and Market Framework for Imported Groundfish and Scallops from Canada into the U.S. Contract NA-82-FA-C-00059 with the U.S. Department of Commerce, NMFS.
- 1980-1982 Principal Investigator. The Industrial Organization and Cost Structure of Fish Processing. Contract 80-FA-C-00045 with U.S. Department of Commerce, NMFS
- 1977-1979 Project Director. The Estimation of Fish Processing Capacity in Massachusetts and New Hampshire. Contract 03-07-043-35132 with the New England Fisheries Development Program.
- 1976 Visiting Lecturer. Smith College, Northampton, MA.
- 1975-1976 Lecturer and Teaching Associate. Economics Department, University of Massachusetts, Amherst, MA.

- 1974-1975 Research Associate. Econometric Model of Massachusetts, Principal Investigators: Professors George Treyz (University of Massachusetts) and Ann Friedlaender (M.I.T.).
- 1971-1972 Systems Analyst and Manager of Operations. Computer Center, UMD, North Dartmouth, MA.
- 1969-1971 Programmer Analyst and Business Consultant. Time Share Corporation, Hanover, NH.
- 1966-1969 Programmer. John Hancock Life Insurance Company, Boston, MA.
- 1965-1966 Teacher. Higgins Classical Institute, Charleston, ME.

Books, Chapters in Books, & Journal Articles

- Georgianna, D. 1999. The Massachusetts fishing industry. Massachusetts Benchmarks. The Quarterly Review of Economic News & Insight. Vol. 2:3.
- Georgianna, D. 1998. Down to the sea for fish: Portuguese fishing families in New Bedford. in Portuguese Spinner: an American Story. New Bedford: Spinner Publications.
- Georgianna, D. and J. Dirlam. 1994. Recent adjustments in New England groundfish processing. Marine Resource Economics, 9:375-384.
- Georgianna, D. and R. Aaronson. 1993. The Strike of '28. New Bedford: Spinner Publications.
- Georgianna, D. 1991. Prospects for fish trade with Eastern Europe and the USSR. Keynote address in Proceedings of the Vth Bi-annual Conference of The International Institute For Fishery Economics and Trade. Santiago, Chile.
- Georgianna, D., J. Dirlam, and S.D.H. Wang. 1991. Recent developments in the Northeast U.S. fishing industry, in Econometric Modeling of the World Trade in Groundfish, ed. W.E. Shrank and N. Roy. Dordrecht: Kluwer Academic Publishers.
- Georgianna, D. 1990. Competition and co-operation: the Ocean Spray story, in Cranberry Harvest,. New Bedford: Spinner Publications.
- Georgianna, D. 1990. The Portuguese Left in the U.S., in The Encyclopedia of the American Left, ed. M. J. Buhle, P. Buhle, and D. Georgakas. New York: Garland.
- Hogan, W. and D. Georgianna. 1989. U.S. processing capacity and imports of whole groundfish from Canada. Marine Resource Economics, 6: 213-225.
- Georgianna, D. 1988. The last woven yard: the call for capital. Spinner, Vol. 4. New Bedford: Spinner.

Peterson, S. and D. Georgianna. 1988. New Bedford's fish auction: a study in auction method and market power. *Human Organization*, 47: 235-241.

Georgianna, D. and W. Hogan. 1986. Production costs in Atlantic fresh fish processing. *Marine Resource Economics*, 2: 275-292.

Georgianna, D. and R. Ibara. 1983. Groundfish processing in Massachusetts during the 1970's. *Marine Fisheries Review*. 45: 1-10.

Georgianna, D. and R. Aaronson. 1982. The New Bedford textile strike of '28. *Spinner*, Vol. 2. New Bedford: Spinner.

Georgianna, D., P. Greenwood, and R. Ibara. 1978. Fish Processing Capacity in Massachusetts. *Papers and Proceedings of the New England Business and Economics Association*.

Audio-Visual Productions

Georgianna, D. and A. Rosen. 2004. "Atlantic Pearl: Treasures from the Ocean Floor." Video documentary on permanent display in the Visitors' Center of the New Bedford Whaling National Park.

Georgianna, D. and J. Thomas. 1981. 10 cents at the Auction, \$2.99 at the Fish Market, a multi-media presentation. New Bedford: Spinner.

Book Reviews

Georgianna, D. 1998. Forging Links for the Battles Still to Come. *Thought and Action*. Spring, 1998. p 9-13.

Georgianna, D. 1997. Review of Commonwealth of Toil: Chapters in the History of Massachusetts Workers and Their Unions. *Labor History*, 38:348-349.

Georgianna, D. 1997. Review of Troubled Waters: Economic Structure, Regulatory Reform, and Fisheries Trade. *Marine Resource Economics*, 11:219-220.

Georgianna, D. 1990. Review of All the Right Enemies: the Life and Murder of Carlo Tresca. *Italian Americana*, 9: 93-97.

Georgianna, D. 1987. Review of The New England Fishing Economy. *Marine Resource Economics*, 4: 139-143.

Monographs and Reports

Georgianna, D. and D. Shrader. 2005. Employment, Income and Working Conditions in New Bedford's Offshore Fisheries. Final Report for Saltonstall-Kennedy NA03-NMF-4270265, NMFS/NOAA, U. S. Department of Commerce.

Georgianna, D. 2003. "Quasi-Property Rights in Marine Fisheries" presented at the Italy-USA Joint Symposium on Marine Biology and Biotechnology Messina, Italy, March 20, 2003.

- Georgianna, D. 2002. "Textile fortunes fade, and a resilient city looks to the sea for its bounty once more" and "Selling the Scallop" in Portraits of a Port, New Bedford Whaling Museum and the The Standard-Times, August, 2002.
- Georgianna, D., R. Ibara, A. Estudante, C. Glass, B. Sarno, G. Morris and T. Feehan 2002. The Effects of Mesh Size and Shape on Size Selectivity in the Multispecies Fishery. Final Report submitted to National Marine Fisheries Service, Cooperative Research Program.
- Georgianna, D. 2002. "Public Higher Education" in *Working Families: Fighting for our Commonwealth*, The 2002 Massachusetts AFL-CIO Public Policy Agenda
- Georgianna, D., B. Epler, and J. Schmidek. 2001. The Cost of Fishing for Squid in Northeastern United States. Final Report for contract NA97FE0023, NMFS, U. S. Department of Commerce.
- Georgianna, D. 2000. The Massachusetts Marine Economy. Donahue Institute, University of Massachusetts.
- Georgianna, D. and J. Dirlam. 2000. "The Effect of Reduced Supply on Fish Processing in New England." presented at International Institute of Fishery Economics and Trade Biennial Conference, Oregon State University, Corvallis, OR
- Georgianna, D., A. Cass, and P. Amaral. 1999. The Cost of Fishing for Sea Scallops in Northeastern United States. Prepared for NMFS, U. S. Department of Commerce.
- Georgianna, D. and J. Dirlam. 1999. The Effects of reduced groundfish landings on New England Fresh Fish Processors. Final Report for Saltonstall-Kennedy 96-NER-095, NMFS, U. S. Department of Commerce.
- Georgianna, D. and A. Cass. 1998. The Cost of Hook Fishing for Groundfish in Northeastern United States. Prepared for NMFS, U. S. Department of Commerce.
- Georgianna, D. 1998. Feasibility Study for Raising Tilapia in Recirculating Tanks in Massachusetts. Prepared for Massachusetts Department of Food and Agriculture
- Georgianna, D. 1998. Business Plan for SE Mass Aquaculture Products, Inc. Prepared for Massachusetts Department of Food and Agriculture
- Georgianna, D. 1998. Public Higher Education in *Work & Family: Putting People First. Labor's Public Policy Agenda for Massachusetts in 1998 and Beyond*. Labor Resource Center, UMass Boston and the Massachusetts AFL-CIO.
- Georgianna, D and A. Estudante. 1997. A Manual for Catching and Processing Skates and Dogfish at Sea. Prepared for NMFS, U. S. Department of Commerce

- Georgianna, D and A. Estudante. 1996. Development of Sustainable Skate and Dogfish Fisheries. Prepared for National Oceanic and Atmospheric Administration, U. S. Department of Commerce.
- Georgianna, D., J. Dirlam, and R. Townsend. 1993. The Groundfish and Scallop Processing Sectors in New England. Prepared for NMFS, U. S. Department of Commerce.
- W. Hogan, D. Georgianna, and T. Huff. 1991. The Massachusetts Marine Economy . Boston: Massachusetts Centers for Excellence.
- Georgianna, D. and M. Marusic. 1990. Economic reform and the fishing industry in Yugoslavia. in Papers from a Conference on Worker Self-Management, Sofia: International Sociological Association.
- Georgianna, D., J. Dirlam, and R. Corey. 1984. The Economics of Canadian Atlantic Fisheries: an Annotated Bibliography, Marine Memorandum 77. Kingston: U.R.I. Center for Ocean Management Studies.
- Georgianna, D. and J. Dirlam. 1983. The Canadian - U.S. Import Groundfish and Scallop Trade. Prepared for NMFS, U.S. Department of Commerce.
- Georgianna, D. 1983. The New England Fresh Groundfish and Scallop Processing Industry. Report submitted to the U.S. Department of State for litigation of the U.S. - Canadian marine boundary in the International Court of Justice, The Hague.
- Georgianna, D. and J. Dirlam. 1982. Industrial Structure and Cost of Fresh Atlantic Groundfish Processing. Prepared for NMFS, U.S. Department of Commerce.
- Georgianna, D. and R. Ibara. 1981. A Statistical Summary of the Groundfish Processing Industry in Massachusetts. Prepared for NMFS, U.S. Department of Commerce.
- Georgianna, D., P. Greenwood, R. Ibara, and R. Ward. 1979. Fish Processing Capacity in Massachusetts and New Hampshire. Prepared for NMFS, U.S. Department of Commerce.
- Georgianna, D., P. Greenwood, R. Ibara, and R. Ward. 1977. A Method of Estimating Fish Processing Capacity in Massachusetts and New Hampshire. Prepared for NMFS, U.S. Department of Commerce.

References

- Dr. Joel Dirlam, Professor Emeritus, Economics Department, University of Rhode Island, Kingston, R. I.02881
- Dr. William Hogan, Dean of College of Arts and Sciences, University of Massachusetts Dartmouth, North Dartmouth, MA 02747.
- Dr. William Schrank, Professor, Economics Department, Memorial University, St. John's, Newfoundland, Canada.